IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 33 OF 2003

Kanta C. Talkatkar,
Central Jail, Aguada,
Sinquerim, Goa. ... Petitioner.

VERSUS

State of Goa,
Through the Inspector
General of Prisons. ... Respondent.

Ms. Asha Desai, Advocate for the Petitioner.

Mr. S.N. Sardessai, Public Prosecutor for the
State of Goa/Respondent.

**CORAM: P. V. HARDAS, J.**

**DATE:** 15TH JANUARY, 2004.

ORAL JUDGMENT:

Rule. Rule made returnable forthwith by consent of learned counsel for the parties. Writ Petition is being disposed of finally at the stage of admission.

2. This Writ Petition impugns the Order of the Inspector General of Prisons, Panaji, Goa dated 19.11.2003 rejecting the application for parole filed by the petitioner. The learned Inspector General of Prisons had rejected the application for parole on the ground that the reason for seeking parole was not

genuine and of an emergent nature.

3. I have heard Ms. Desai, learned counsel appearing on behalf of the petitioner, who has urged that the statement in the police Report that the petitioner would cause breach of peace if released on bail and the apprehension of the relations of the deceased were completely unfounded as the petitioner had earlier been released on parole thrice and on furlough once and there were no allegations that the petitioner had mis-used the discretion of the authorities in granting parole to him. She has also urged that the Petitioner has shown sufficient reason for releasing him on parole as he wants to visit his aged mother.

4. Mr. Sardessai, the learned P.P. has submitted that the principal reason for rejection of the application for parole was that the reason urged by the petitioner did not fall within the grounds contemplated under Rule 19 of the Goa, Daman and Diu Parole and Furlough Rules. Mr. Sardessai has produced the record for perusal of this Court and it appears from the record that the petitioner had sought his release on the ground that his mother was aged and could not meet him in prison. No ground is taken in respect of the illness of the mother of the

petitioner. Since the petitioner had been released on parole on 7.6.2002, according to me the ground urged by the petitioner cannot be termed as sufficient ground for ordering the release of the petitioner on parole. In any event the authorities below have applied their mind and there is no ground for interfering with the exercise of the discretion of the authorities in rejecting the parole application by the petitioner. Though in the police report an apprehension is expressed that the release of the Petitioner may trigger an untoward incident, but since that is not the ground on which the parole is rejected, the submissions made on behalf of the petitioner are not well founded. In view of this, Criminal Writ Petition No.33/2003 is sans merit and the same is dismissed with no order as to costs. Rule discharged.

**P.V. HARDAS, J.**

sl.